

SINGLE BENCH

IN THE HONABLE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR C.G.

W. P. No. 1306 2005

P.R. No. 1305/05
 Presented by Shri. Arun
 dated 28-03-05

PETITIONER..... Lekhu Ram Sahu aged 22 years son of
 Late Shri Rekh Ram Sahu , Sammvida Sala
 Sikhhak Verg - 3. Govt. Primary School Matia
 Block Gunderdehi, District Durg (C.G.)

Versus

Respondent 1. The State Government of Chhattishgarh,
 Through the Secretary, School Education Deptt
 D.K.S. Bhavan, Raipur (C.G.)

RECEIVED - COPY The District Education Officer, Durg (C.G.)
 28-3
 CLERK to A. G. BILASTUR

Writ Petition under Articles 226/227 of the Constitution of India.

आदेश पत्रक

मामला क्रमांक 1306/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6.4.2005 Shri Ajay Shrivastava, counsel for the petitioner. Shri Akhil Agrawal, Panel Lawyer for the State. By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for regular appointment from 8.7.2002 on the post of Assistant Teacher. The case of the petitioner is that his father Late Rekh Ram Sahu, who was working as Head Master in the Primary School, Mahud, B-Block, Gunderdehi, died in harness on 13.10.1999. The petitioner's father was the sole bread earner in the family and on account of sudden death of petitioner's father there is no source of income of the petitioner's family, therefore, the petitioner had applied for appointment on compassionate ground. The petitioner's application was allowed and he has been appointed as contract teacher vide order dated 8.7.2002 (Annexure P-1. Further case of the petitioner is that he ought to have been appointed on regular basis as per notification No.F-7-4/2002/1-5 dated 10th June, 2003 issued by the Ministry of General Administration Department, Govt. of C.G., Raipur. Counsel for the petitioner argued that as per sub-clause (3) of Clause 6 of the above scheme of compassionate appointment the petitioner ought to have been appointed as a regular employee and he could not have been appointed as daily wager or ad-hoc basis or on the contract basis. Sub-clause (3) of Clause 6 of the said scheme envisages that the prescribed 5% posts meant for compassionate appointment shall be filled in by regular appointment provided the applicant is qualified and against that 5% posts the appointment shall not be made on daily wage, ad-hoc or contract basis. I have perused the petition and sub-clause (3) of Clause 6.	

आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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	Perusal of the petition it is not clear that whether 5% posts were available and against that posts the petitioner has been given appointment. In the circumstances, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to respondent No.1 raising all his grievances and also in the light of said scheme dated 10.6.2003, to which learned counsel for the respondents has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation within a period of two weeks from today to respondent No.1 raising all his grievances and in turn respondent No.1 shall decide the representation of the petitioner in accordance with law after considering the points raised by the petitioner and also in the light of Scheme No.F-7-4/2002/1-5 dated 10th June, 2003 issued by the Ministry of General Administration Department, Govt. of C.G., Raipur within a period of two months from the date of receipt of the representation. With the direction aforesaid, the petition stands disposed of. Certified copy as per rules.	
		Sd/- L.C. Bhadoo Judge